

(Regulations of the Fair Political Practices Commission Title 2, Division 6, California Code of Regulations.)

§ 18752. Nonsubstantive Amendments of Conflict of Interest Codes.

(a) A state agency or a local government agency with jurisdiction in more than one county may make nonsubstantive alterations of a conflict of interest code for its agency.

(b) No alteration of a conflict of interest code shall be deemed nonsubstantive until the agency has requested and received prior written approval from the Executive Director of the Fair Political Practices Commission, or his or her designee, to classify the alteration as nonsubstantive.

(c) Each request for a nonsubstantive alteration shall be in writing and shall be accompanied by:

(1) The conflict of interest code for the agency showing the proposed nonsubstantive amendments in strikeout/underscore format;

(2) A brief description of the proposed amendments; and

(3) A declaration by the chief executive officer of the agency declaring that the code specifically enumerates each of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material financial effect on any financial interest.

(d) The Executive Director, or his or her designee, shall respond in writing to each request for interim approval within 30 calendar days or receipt.

(e) Nonsubstantive alterations of conflict of interest codes shall be limited to the following:

(1) The reclassification or renaming of previously designated positions, provided no

designated positions are created, and provided no existing disclosure responsibilities are modified;

(2) The deletion of a position for which the classification has been abolished by the agency;

(3) The addition, deletion or modification of definitional or operational provisions of a conflict of interest code in conformity to a statutory amendment, a regulation of the Fair Political Practices Commission, a decision of the California Supreme Court, or a final decision of a California Court of Appeal; or

(4) The modification of any provision of a conflict of interest code, provided no disclosure or disqualification obligation of any designated employee is disturbed thereby.

(f) Nonsubstantive amendments to a state agency conflict of interest code which have been approved by the Executive Director or his or her designee shall be transmitted within 30 days by the agency to the Office of Administrative Law for filing with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Division 1 of Title 2 of the Government Code. When the agency files the nonsubstantive amendments with the Office of Administrative Law, it shall:

(1) Indicate that it is transmitting a conflict of interest code approved by the Fair Political Practices Commission for filing; and

(2) Request that the Office of Administrative Law publish the code in its entirety, or request that the Office of Administrative Law print an appropriate reference to the agency's code in its title of the California Code of Regulations.

(g) The nonsubstantive amendments to the conflict of interest code shall become effective on the thirtieth day after approval by the Executive Director or his or her designee or in the case

of a state agency, the thirtieth day after the date of filing with the Secretary of State.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87306, Government Code.

HISTORY

1. New section filed 6-3-77; effective thirtieth day thereafter (Register 77, No. 23).
2. Amendment of subsection (a) filed 4-28-82; effective thirtieth day thereafter (Register 82, No. 18).
3. Amendment filed 1-11-83; effective thirtieth day thereafter (Register 83, No. 3).
4. Amendment filed 4-21-92; operative 5-21-92 (Register 92, No. 19).
5. Editorial correction of subsection (f)(2) (Register 95, No. 40).